

DISTRICT JUDGE'S MINUTES
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA – PHOENIX

U.S. District Judge: Susan R. Bolton

Date: October 19, 2021

USA v. Abdul Malik Abdul Kareem

Case Number: CR-15-00707-001-PHX-SRB

Assistant U.S. Attorney: Kristen Brook, Joseph Koehler and Raymond K. Woo with case agent William Barnett

Attorney for Defendant: Daniel R. Drake and Daniel Maynard, CJA

Interpreter: N/A

Defendant: ☒ Present ☐ Not Present ☐ Released ☒ Custody ☐ Summons ☐ Writ

9:35 a.m. This is the time set for Re-Sentencing. The Court advises counsel that members of the media are listening telephonically to the hearing. The Court reminds the media of the prohibition of audio recording of proceedings pursuant to LRCiv 43.1. Defense counsel addresses the Court regarding Defendant's pro se Motion to Remove Attorneys/Conflict of Interest (Doc. 704). The Court advises counsel that the pending motions will be discussed after testimony is taken. Government's counsel advises the Court it has no witnesses to present. **Defendant's case:** Patrick Ester is sworn and examined (appearing via Zoom). Witness is excused. Torrence Douglas is sworn and examined (appearing by audio **only** via Zoom). Witness is excused. Due to witness unavailability, pending motions are argued to the Court at this time. For reasons as stated on the record, the Court rules as follows:

- Regarding Defendant's Motion to Exclude Possible Surreptitious Recordings and Intrusion Into Attorney-Client Relationship (Doc. 722) - denying the first portion of the motion as moot and denying the second portion of the motion as there is no evidence that such listening occurred.
- Denying as moot Defendant's Motion to Compel Disclosure re: Re-Sentencing (Doc. 701). However, the Court directs Government's counsel to turn over the telephone recordings once they are received from the investigators in Colorado or FCI-Florence.

10:52 a.m. Recess.

11:09 a.m. Reconvene. Defendant's Motion for Court to Evaluate Government Attorneys' Potential Conflict of Interest (Doc. 710) is argued to the Court. For reasons as stated on the record, IT IS ORDERED denying Defendant's motion. The parties' objections to the presentence investigation report are argued to the Court. Witness being available, Maureen Baird is sworn and examined (appearing via Zoom). Exhibits 1, 101 and 102 are admitted. Witness is excused. Defense counsel advise they have no further witnesses. 12:02 p.m. Recess.

1:19 p.m. Reconvene. Further argument held regarding the parties' objections. Defendant's Motion for Downward Variance and/or Departure Pursuant to 18 U.S.C. § 3553(a) and 5K2.0 (Doc. 724) is denied. 3:05 p.m. Recess.

3:23 p.m. Reconvene. Government's counsel advises the Court that victim Bruce Joiner could not be present for today's proceedings and requests that the Court consider his previous remarks at sentencing. Sentence imposed. Judgment to issue. Defendant's pro se Motion to Remove Attorneys/Conflict of Interest (Doc. 704) is discussed. For reasons as stated on the record, IT IS ORDERED denying said motion.

4:03 p.m. Court is adjourned.

Court Reporter Hilda Lopez
Deputy Clerk Maureen Williams

Start: 9:35 AM
Stop: 4:03 PM